

August 5, 2010

**MINUTES OF A REGULAR MEETING OF
THE ENVIRONMENTAL QUALITY AND
ENERGY CONSERVATION COMMISSION**

1. CALL TO ORDER

The Torrance Environmental Quality and Energy Conservation Commission convened in a regular session at 7:01 p.m. on Thursday, August 5, 2010 in the West Annex meeting room at Torrance City Hall.

2. ROLL CALL:

Present: Commissioners Chim, Cunningham, Gobble, Griffiths, McCabe, Watson, and Chairperson Reilly.

Absent: None.

Also Present: Deputy Community Development Director Cessna, Senior Environmental Quality Officer Duncan, Senior Environmental Quality Officer Jones, Environmental Quality Officer Sheldon, Environmental Quality Officer Hill, and Deputy City Attorney Caceres.

3. SALUTE TO THE FLAG

Commissioner Watson led the Pledge of Allegiance.

4. POSTING OF THE AGENDA

MOTION: Commissioner Gobble, seconded by Commissioner Watson, moved to accept and file the report of the secretary on the posting of the agenda for this meeting; a voice vote reflected unanimous approval.

5. ORAL COMMUNICATIONS FROM THE PUBLIC

Councilmember Furey expressed his appreciation to 187th Street neighbors for helping to clean up a residential property. He stated that their efforts are a great example to show the entire City and that he would like to see similar efforts carried out Citywide.

6. APPROVAL OF MINUTES

6A. MINUTES OF MAY 6, 2010

MOTION: Commissioner Gobble moved for the approval of the May 6, 2010 meeting minutes as submitted. Commissioner Chim seconded the motion; a voice vote reflected unanimous approval.

6B. MINUTES OF JULY 1, 2010

Commissioner McCabe offered the following correction to the minutes: Page 4, Item 9H, "Commissioner McCabe asked that an item be placed on the next agenda..."

MOTION: Commissioner Griffiths moved for the approval of the July 1, 2010 meeting minutes as amended. Commissioner Watson seconded the motion; a voice vote reflected unanimous approval.

7. ENVIRONMENTAL MATTERS

7A. PRIDE IN TORRANCE AWARDS FOR 187TH STREET NEIGHBORS FOR FACILITATING THE CLEAN UP OF A RESIDENTIAL PROPERTY

Senior Environmental Quality Officer Jones introduced the item and recognized a neighborhood effort, led by Robin Tabar, to clean up a residence that had property maintenance issues. She introduced Environmental Quality Officers Sheldon and Hill.

Environmental Quality Officer Hill described his unsuccessful attempts to communicate with the property owner or occupant.

Environmental Quality Officer Sheldon stated that the City took steps to serve an administrative warrant to inspect the property. She discussed how she met Robin Tabar who organized the neighborhood to come out on two Saturdays to clean up the property. She showed before and after pictures, recognized Robin and her neighbors for their extraordinary efforts, and noted that the neighborhood far exceeded what the City could have accomplished in such a short period of time.

Robin Tabar, 187th Street, thanked neighbors for their support in taking care of this problem and added that they still have a long way to go. She introduced friends and neighbors who participated including her husband Jim Tabar, Daniel and Carol Massey, Dan Homback, James Beley, Mike and Rose Ladre, and Matt and Michael Massey.

Senior Environmental Quality Officer Jones presented Robin and neighbors with Pride in Torrance Awards and bags and the Commission was in a brief recess from 7:18 to 7:36 p.m. for a photo opportunity.

7B. DRAFT RV ORDINANCE

Senior Environmental Quality Officer Duncan presented a draft revised ordinance included in the material of record as a method of enforcing the existing ordinance regarding the habitation of recreational vehicles on private property.

Jacky Sbarounis, Faysmith Avenue, stated that her clients often live in their RVs in their driveways while their houses are under construction and asked that they be given an exception.

Chairperson Reilly pointed out that Section 92.5.030 includes a provision allowing habitation during construction for a period of six months, with an extension not to exceed one year.

Jim Tarvin, Bailey Drive, expressed hope for a resolution this evening and inquired how Code Enforcement officers would go about enforcing the ordinance.

Deputy City Attorney Caceres responded that Environmental Quality officers could utilize the “plain view” doctrine to see over a wall or with consent of an adjoining neighbor.

Janna Masi, Hickory Avenue, stated that construction exceptions should be for more than one year and received clarification that staff has received approximately 10 complaints in the last five years regarding RV habitation.

Alfred Holmes, Grand Summit Road, suggested extending reviews for building construction, using the verbiage “be used to establish” rather than “constitute” in Section 92.5.010a), and notifying the City by telephone if there is going to be temporary habitation rather than going through a whole permitting process.

Deputy Director Cessna stated that, although the policy has not been finalized, she expects that a phone call would be sufficient.

Bill Hall, Hickory Avenue, stated that he likes the ordinance the way it is and that he does not want to have to account to the City for anything about his property.

Pat Woodman, Faysmith Avenue, stated that the verbiage in the ordinance leaves it open to interpretation, that many RVs have to be plugged in, and that it is absurd that the City is wasting so much time and effort over 10 complaints.

Anthony DiGiacomo, Cerise Avenue, stated that the City should do more investigating before clamping down on RV owners.

Sharon Imel, Border Avenue, stated that the proposal would create stress and problems for residents and is a violation of property owners’ rights. She suggested that staff investigate reasons for a complaint before punishing the whole City, noting that 10 complaints does not warrant a revision. She voiced support for striking the ordinance completely and creating a different ordinance that would address bad neighbors.

Dennis Frandsen, Elm Avenue (no speaker card), pointed out that the revised ordinance would only be complaint driven.

Norman Bauer, Macafee Road, stated that, even if there have only been 10 complaints, these peoples’ rights should not be ignored and stated that the ordinance should have more “teeth.”

In response to his inquiries, Deputy City Attorney Caceres explained that Police officers could also enforce the ordinance and how the loading and unloading exception would apply.

Alan Steven, Border Avenue, questioned how an ordinance could be passed if the majority is against it and received clarification that it would be a general prohibition for all zones and that no fees would be involved.

Deputy Director Cessna stated that the revision is an attempt to find a way to enforce the existing ordinance for those individuals who are actually living in an RV for extended periods of time. She stated that an investigation would begin only if a complaint is filed.

Linda Neal, Winlock Road, expressed concern about selective enforcement and false complaints.

Musette Tarvin, Bailey Drive inquired how the proposed ordinance would be prosecuted and Deputy City Attorney Caceres advised her that misdemeanors have to go to court.

She suggested including verbiage that allows Code Enforcement officers to issue citations, adding that it would serve as a deterrent. She received clarification that generally property owners as well as renters are included in any prosecution.

Deputy Director Cessna stated that issuing citations would still require the same level of evidence as prosecution and that either way is going to be a time consuming process. She explained some of the benefits of filing a misdemeanor case rather than issuing a citation.

Karen Fitch, 236th Street, stated that she hopes this will be the last change in RV ordinances and that three days is insufficient for some people to load and unload. She received clarification that the People have the burden of proof and that they have attempted to prosecute two cases over the last five years.

John Burke Jr., Winlock Road, maintained that at the February 5, 2010 Commission meeting staff stated that they have had two complaints, adding that two people out of a population of 148,965 constitutes only 13/10,000 of a percent. He cautioned that there will be false complaints and that this proposal is a violation of property rights.

Carl Sbarounis, Faysmith Avenue, expressed concern that they are attempting to criminalize everyone and suggested writing an addendum to the current ordinance.

Deputy City Attorney Caceras explained how common sense and discretion would apply in enforcing the proposed ordinance.

Sharon Imel, Border Avenue, urged Commissioners to consider future impact and to address the problems at hand and not create more problems.

MOTION: At 8:55 p.m., Commissioner Gobble, seconded by Commissioner Watson, moved to close the public hearing; a voice vote reflected unanimous approval.

Commissioner Gobble thanked the public for their input and stated that he does not want to recommend something onerous or punitive to RV owners. He stated that there should not be a time limit on construction exceptions and that he likes the idea of using phone calls or Internet, using permit or vehicle license numbers, to call into the City. He recommended listing the indicators and identifying what number of them would constitute further investigation.

Commissioner Watson thanked the public and stated that there are codes for everything, that staff is only revising the current ordinance, and that laws are not frozen. She noted that the revision would provide a broader information base, that it is not intended to be punitive, and that it would not infringe on RV owners' rights. She stated that she would support a call-in system and to see a preponderance of indicators as suggested by Commissioner Gobble. She suggested a two-year maximum with six-month reviews for construction exceptions.

Commissioner Chim commended Deputy City Attorney Caceras for drafting the revision that shows balance. She suggested adding verbiage stating that it is not the policy of the Commission to penalize RV owners for occasional sleepovers, allowing two consecutive 72-hour periods for loading and unloading, and that the ordinance is not meant to generate fees for the City. She proposed having a separate section for construction exceptions and granting extensions beyond the 15-day permit period for significant reasons.

Chairperson Reilly thanked the public and stated that she does not want to add any language that would cause law-abiding citizens or the City any undue cost or burden. She suggested adding verbiage that would allow exceptions for hardship conditions and expressed her support for allowing more than two 15-day permits per year in certain cases.

Deputy Director Cessna stated that staff would make suggested amendments, add a series of "Whereas's" that describes the intent of the ordinance, and bring back a final draft in September or October 2010.

The Commission was in recess from 9:38 to 9:47 p.m.

8. NEW BUSINESS

8A. Deputy Director Cessna stated that the Environmental Fair is tentatively scheduled for the last Saturday in March 2011. She advised that Recycling is going to backfill the \$6,500 budget that was cut so the event can be put on.

9. ORAL COMMUNICATION

9A. Commissioner Cunningham shared information about hybrid electric and battery electric vehicles.

9B. In response to Commissioner McCabe's inquiry, Deputy Director Cessna stated that the community profiles for Cool Cities is being looked at and that item should come back in October 2010.

9C. When Commissioner McCabe inquired about business and multi-business recycling, Deputy Director Cessna responded that it was placed on hold during the budget process.

9D. Responding to Commissioner McCabe's inquiry, Deputy Director Cessna stated that the joint meeting with City Council would be in November or December 2010 after the community profile has been completed.

9E. Commissioner McCabe requested that staff prepare a letter to be sent to the AQMD regarding a possible lawnmower exchange program in the City.

9F. Commissioner Gobble announced a solar education workshop on September 7, 2010.

9G. Chairperson Reilly inquired about the status of AB811 and Deputy Director Cessna advised that there will be no communication to residents until September or October 2010 when Los Angeles County rolls it out.

9H. Commissioner Gobble discussed the solar application being installed in the City of Hawthorne.

9I. Commissioner Chim shared information about Proposition 23 to suspend AB 32 until California unemployment decreases.

9J. Commissioner Griffiths thanked staff for their efforts in preparing the RV ordinance.

9K. Karen Fitch, 236th Street, announced a Torrance Police Department workshop on August 11, 2010 regarding homeowner safety and security and provided information about the next CERT training.

10. ADJOURNMENT

MOTION: At 10:02 p.m., Commission Gobble moved to adjourn the meeting to September 2, 2010 at 7:00 p.m. in the West Annex meeting room. Commissioner Cunningham seconded the motion and, hearing no objection, Chairperson Reilly so ordered.

Approved as Submitted September 2, 2010 s/ Sue Herbers, City Clerk
--